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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

B5

FILE:

SRC 07 278 55861

Office: TEXAS SERVICE CENTER

Date:

JAN 26 2010

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

**DISCUSSION:** The Director, Texas Service Center, denied the visa petition. The Administrative Appeals Office (AAO) dismissed the petitioner's appeal of the director's decision. The matter is now before the AAO on a motion to reconsider. On November 14, 2009, the petitioner requested that the appeal and the motion be withdrawn. The appeal cannot be withdrawn, having already been dismissed (*see* 8 C.F.R. § 103.3(a)(2)(ix), which only permits withdrawal "before a decision is made"). We do, however, acknowledge the petitioner's withdrawal of his subsequent motion.

All documents have been returned to the office that originally decided the case. Any further inquiry must be made to that office.

**ORDER:** The motion is dismissed based on its withdrawal by the petitioner. The petition remains denied.

⌘ Perry Rhew  
Chief, Administrative Appeals Office